

ADMINISTRATIVE REGULATIONS OF THE BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS

Regulation 1. The National Electrical Code.

- 1.1 The Board hereby adopts and incorporates herein the National Electrical Code, 2002 edition of the National Fire Protection Association, effective as of January 1, 2002.
- 1.2 The National Electrical Code, 2002, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.
- 1.3 In the event there are updates and new editions to the National Electrical Code, the Board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.
- 1.4 The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

Regulation 2. Definitions.

- 2.1 The various classes of licenses shall be defined as follows:
 - a. "Master electrician" shall mean an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.
 - b. "Journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment.
 - c. "Residential master electrician" shall mean an individual who is limited by license classification to performing electrical work for one and two family dwellings, including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.
 - d. "Residential journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, alter, repair, maintain, or renovate electrical facilities for

one and two family dwellings under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

- e. "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.
- f. "Industrial maintenance electrician" shall mean an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. *See Ark. Code Ann. § 17-28-102(a)(2) and Regulation 3.1.*

2.2 "Board" shall mean the Board of Electrical Examiners of the State of Arkansas.

2.3 "Director" shall mean the Director of the Arkansas Department of Labor.

2.4 "Electrical Apprentice" means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a journeyman electrician or master electrician.

2.5 "Electrical work" means:

a. As defined by Ark. Code Ann. §§ 17-28-101(6) and 20-31-102(6):

- (1) Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;
- (2) Installations of conductors that connect to the supply of electricity; and
- (3) Installations of other outside conductors on the premises.

2.6 "HVACR" shall mean heating, ventilation, air conditioning and refrigeration.

2.7 "Manager" shall mean any employee:

- a. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and

- b. who customarily and regularly directs the work of one or more other employees therein;
and
- c. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
- d. who customarily and regularly exercises discretion and independent judgment; and
- e. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and
- f. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

2.8 “Superintendent” shall mean any employee:

- a. whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and
- b. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
- c. who customarily and regularly directs the work of one or more other employees therein;
and
- d. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion, or any other change of status of other employees, will be given particular weight; and
- e. who customarily and regularly exercises discretion and independent judgment; and
- f. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

Regulation 3. Construction and exemptions.

- 3.1 The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:
- a. The construction, installation, maintenance, repair, or renovation by any public utility, as

that term is defined by Ark. Code Ann. § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;

- b. The construction, installation, maintenance, repair, or renovation by any industry of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee of such industry;
 - c. The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;
 - d. The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;
 - e. The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 *et seq.*; and
 - f. The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by state law, regulations, or local ordinance.
- 3.2 Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR license may run line voltage power wiring, in compliance with the state electric code, from a disconnect box to an outdoor HVACR unit within a distance not to exceed ten (10) feet from any point of the HVACR equipment without an electrician's license.
- 3.3 Any person licensed by the Commission on Water Well Construction pursuant to the provisions of Ark. Code Ann. § 17-50-101 *et seq.* and subject to that Commission regulations and the National Electric Code, may run power and control wiring from an existing disconnect box to water well equipment without an electrician's license. Alteration of the existing electrical service shall require an electrician's license.
- 3.4 An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the Department of Health without an electrician's license.

- 3.5 Nothing in these regulations shall be construed to require an electrician's license in order to test, install, repair, maintain or alter machinery and equipment, or the supervision of such activities, by the manufacturer(s) or vendor(s) of such machinery and equipment or technicians providing services with respect to such machinery and equipment.
- 3.6 Nothing in these regulations shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.
- 3.7 Nothing in these regulations shall be construed to require an electrician's license in order to perform manual labor, such as pick up, delivery and lay out of materials and equipment, or to generally maintain the job site in a clean and workmanlike condition. Manual labor does not include actual use of any tools of the electrical trade.

Regulation 4. Operation of the Board of Electrical Examiners. of the State of Arkansas.

- 4.1 The board shall, after public hearing, promulgate such administrative regulations, including definitions of terms, as it deems appropriate to carry out the purposes of Ark. Code Ann. §§ 17-28-101 *et seq.* and 20-31-101 *et seq.* or necessary to prevent the circumvention or evasion thereof.
- 4.2 The board shall annually select one of its members to serve as Chairman of the board and one other member to act as Vice Chairman.
- 4.3 The director shall act as Secretary of the board and shall keep the books and records of the board.
- 4.4 Meetings of the board shall not be held on a regular basis, but will take place at such times and places as the chairman shall specify.
- 4.5 The director shall furnish the board with the necessary facilities for the exercise of its rights and duties.
- 4.6 Five members of the board shall constitute a quorum and the majority of those present in a meeting shall be necessary for the transaction of official business.
- 4.7 The board shall enforce the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*, and may issue, renew, refuse to renew, suspend and revoke licenses provided for therein.
- 4.8 The board shall have the power to establish qualifications for applicants.
- 4.9 The board hereby establishes a Screening Committee consisting of four (4) board members appointed by the Chairman. The Screening Committee shall review and take action on all applications for licensure, subject to appeal to the full board. The Screening Committee may

refer any application to the board without prior action at its discretion.

Regulation 5. Examinations.

- 5.1 The board shall make provisions for examinations on the following classes of licenses: master electricians, journeyman electricians, industrial maintenance electricians, residential master electrician, residential journeyman electrician, and air conditioning electrician to be given at least every six (6) months.
- 5.2 The examination of each class of license shall be of length and type to ensure proficiency in the tested area. The exact content of any examination shall be within the discretion of the board. Said examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.
- 5.3 All applications for examination of any class must be received by the board five (5) business days prior to the date of the scheduled meeting of the board or its designated committee. After review of the applications, the board will issue a list of approved applicants eligible to take the examination. Upon receipt of notification of approval to take the examination, each applicant must submit the appropriate examination fee in order to be placed on the examination list.
- 5.4 Anyone who is not on the list of approved applicants shall not be entitled to take an examination.
- 5.5 Any applicant who shall fail to pass the examination shall be permitted to take the next scheduled examination upon payment of the required fees. Failure to successfully pass any examination within six (6) months of board approval will result in a loss of “approved” status. The applicant must again be reviewed by the board, and may be required to verify additional training on the National Electrical Code before approval is granted.
- 5.6 The board may recognize the examination scores of individuals who have taken a licensing examination administered in a state other than Arkansas in lieu of requiring said individual to take an examination of the same class as authorized by the board and administered within the State of Arkansas, provided the following provisions are met:
 - a. the examination administered in the sister state is the same examination administered by the board pursuant to contract with a professional testing service; and
 - b. the applicant has made application for an Arkansas license of the same class with the board; and
 - c. the board has determined that the applicant has met the minimum requirements to qualify according to Regulations of the Board of Electrical Examiners; and

- d. the applicant has paid the required examination fee; and
 - e. the applicant has submitted proof from the sister state's licensing authority or from the appropriate testing service that the applicant has passed the examination as required by the board; and
 - f. the applicant has made application for the Arkansas license within one (1) year of passing the required examination or has maintained the electrician's license obtained as a result of passing the required examination since the original license was issued; or
 - g. the applicant is certified by the National Board of Electrical Examiners and has paid the required fees.
- 5.7 Persons applying for a license shall pay the following examination fees as instructed by the director:
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|---------------------------------------|---------|---------|
| a. Master Electrician | \$56.00 | |
| b. Journeyman Electrician | \$56.00 | |
| c. Industrial Maintenance Electrician | \$25.00 | |
| d. Residential Master Electrician | \$56.00 | |
| e. Residential Journeyman Electrician | \$56.00 | |
| f. Air Conditioning Electrician | | \$56.00 |

Regulation 6. Qualification for Examination.

- 6.1 An applicant for a master electrician's license shall have:
- a. a degree in electrical engineering plus two (2) years of construction related experience; or
 - b. six (6) years experience in the construction industry, both residential and commercial, including two (2) years experience as a licensed journeyman electrician; or
 - c. any combination of training and experience as the board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the board, or a combination of training and construction experience that is determined by the board to be equivalent to that as specified in paragraph 6.1(a or b) above.
- 6.2 An applicant for a journeyman electrician license shall have:
- a. four (4) years (8,000 hours) electrical work experience approved by the board; and

- b. a four year combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job-training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical experience that is determined by the board to be equivalent to that as specified in paragraph 6.2(a) above. or
- c. a “Notice of Apprenticeship Committee Action – Released for Test” form from their training program if applicable and approved by the Department of Workforce Education. The applicant may take the examination after completion of four years training and submission of the approved Released for Test form.
- d. Maintenance experience in electrical work may be considered provided:
 - (1) the applicant has completed a BAT-approved construction sponsored apprenticeship program; and
 - (2) electrical work must be:
 - (A) performed under the direct supervision of an engineer, licensed master electrician, or licensed journeyman electrician; and
 - (B) verified and documented in detail; and
 - (3) experience must be either:
 - (A) four (4) years (8,000 hours) of verified electrical construction experience; or
 - (B) six (6) years (10,000 hours) of electrical maintenance experience with two (2) of those years consisting of electrical construction experience.
- e. Work experience shall be documented by official transcripts, notarized letters or affidavits from past or present employers, official letters from other licensing boards detailing the duration and character of the work, or equivalent evidence that verifies such experience.
- f. Electrically related classroom instruction, or time spent in electrical school, shall be documented by submitting to the Arkansas Department of Workforce Education transcripts from a school or classroom training records from an apprenticeship program as approved by the board, the U.S. Department of Labor- Bureau of Apprenticeship Training, and the Department of Workforce Education.

6.3 An applicant for an industrial maintenance electrician's license shall have:

- a. four (4) years experience under the supervision of an engineer, master electrician, journeyman electrician or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or
- b. any combination of training and experience as the board may approve, such as formal apprenticeship programs approved by the board, on-the-job training specifically approved by the board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the board, or a combination of training and electrical maintenance experience that is determined by the board to be equivalent to that as specified in paragraph 6.3(a) above.

6.4 An applicant for a residential master electrician's license shall have:

- a. three (3) years experience in the wiring of one (1) or two (2) family dwellings including one (1) year experience as a licensed residential journeyman; or
- b. any combination of training and experience as the board may approve as being equivalent to that as specified in paragraph 6.4 a. above.

6.5 An applicant for a residential journeyman license shall have:

- a. two (2) years experience in the wiring of one (1) or two (2) family dwellings; or
- b. any combination of training and experience as the board may approve as being equivalent to that as specified in paragraph 6.5 a. above.

6.6 An applicant for an air conditioning electrician's license shall have:

- a. two (2) years experience in wiring HVACR equipment; or
- b. any combination of experience and training as the board may approve as being equivalent to that as specified in paragraph 6.6 a. above.
- c. the experience required in paragraph 6.6 a. may be demonstrated by having held for two years:

- (1) a HVACR electrician's license issued by an Arkansas municipality, or
- (2) a HVACR Class A or Class B license issued by the state HVACR Licensing Board.

6.7 For the purpose of determining experience qualification, the board shall not consider the following:

- a. any experience obtained in violation of Ark. Code Ann. § 17-28-304 (Repl. 2001); or
- b. any experience obtained in a sister state in violation of that state's licensing or registration requirements.

Regulation 7. Licenses.

- 7.1 Licenses shall expire on the date indicated on the license. Licenses shall expire on the last day of the month, one year following the date of issue. Such licenses may be renewed as provided herein. All licenses originally issued prior to the adoption of this rule shall continue to expire as indicated on the license.
- 7.2 Licenses may be renewed for one (1), two (2) or three (3) years upon a payment of fifty dollars (\$50.00) per year for a master electrician's license; fifty dollars (\$50.00) per year for a residential master electrician's license; twenty-five dollars (\$25.00) per year for a journeyman electrician's license; twenty-five dollars (\$25.00) per year for a residential journeyman electrician's license; twenty-five (\$25.00) per year for an air conditioning electrician's license; and twenty-five dollars (\$25.00) per year for an industrial maintenance electrician's license.
- 7.3 A license may be renewed within six (6) months of the expiration date by paying the renewal fees stated in Regulation 7.2.
- 7.4 A license may be renewed after six (6) months from the expiration date, by paying the renewal fee stated in Regulation 7.2 plus a penalty of ten dollars (\$10.00) for journeyman electrician, residential journeyman electrician, air conditioning electrician, or industrial maintenance electrician, and twenty dollars (\$20.00) for master electrician or residential master electrician.
- 7.5 If any license is not renewed within a year after the expiration of such license, the licensee shall be required to take another examination as authorized by the board. If any grandfather license is not renewed within a year after the expiration of such license, the licensee shall be required to take an examination as authorized by the board.
- 7.6 No person, firm, or corporation licensed under the provisions of Ark. Code Ann. § 17-28-101 *et seq.* shall alter, transfer, lend or rent his, her or its license.
- 7.7 If any applicant passing any class of examination does not obtain an initial license within one (1) year following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board before a license is issued. Grandfather applicants that have not obtained a license within one (1) year of approval shall be required to take an examination as authorized by the board.
- 7.8 An applicant for an electrical contractor's license shall submit to the board the following:
 - a. an application on a form approved by the board; and

- b. proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
- c. if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.

7.9 Apprentices.

- a. An applicant for registration as an electrical apprentice shall submit the following:
 - (1) an application on a form approved by the board;
 - (2) a registration fee of ten dollars (\$10.00);
 - (3) satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).
- b. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.
- c. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a BAT-approved training program.
- d. An individual may continue to register and work as an electrical apprentice upon release from a BAT-approved program. However, the apprentice must actively attend training classes until he/she passes the examination.
- e. A certificate of registration may be revoked by the board for cause. This includes, but is not limited to the following:
 - (1) Expulsion from or dropping from the BAT-approved training program; or
 - (2) Performing electrical work which is not performed under the direct supervision of a licensed master or journeyman electrician.
- f. No journeyman or master electrician shall employ or supervise an electrical apprentice except at a ratio of no more than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.

- g. No electrical contractor shall employ an electrical apprentice except to work under the direct supervision of a journeyman or a master electrician with a ratio of no more than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the board, the Department of Workforce Education and the U.S. Department of Labor (BAT). The apprentice must begin school no later than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Bureau of Apprenticeship and Training.
- h. By memorandum of understanding, the Workforce Education Apprenticeship Office shall oversee related classroom study of apprentices. Unless officially excused by the Arkansas Department of Labor, each apprentice released from their apprenticeship training should make application with the Department of Labor for the examination within sixty (60) days of their release.

7.10 Temporary licenses.

- a. The board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:
 - (1) A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;
 - (2) A completed application on a form provided by the board; and
 - (3) Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Regulation 6.1 or 6.2.
- b. A temporary license may be renewed one (1) time only for industrial projects upon submission by the applicant of the items listed in Regulation 7.10 a. above.

Regulation 8. Revocation, Suspension and Denial of Licenses.

- 8.1 The board shall have the power to revoke or suspend any license or registration for cause. This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.
- 8.2 Any party who is wronged or damaged by an individual or company licensed by the board in the performance of electrical work on his, her, or its property may make written notice of complaint

to the board. Such complaint shall detail the actions of the license holder(s) causing damage to the complainant.

- 8.3 Upon receipt of a written complaint made against any party holding a license issued by the board, the Arkansas Department of Labor Electrical Division staff may investigate said complaint to ascertain information relating to the complaint. The board may on its own motion cause a staff investigation of any licensee's compliance with the provisions of the act or the regulations of the board.
- 8.4 After investigation, the Arkansas Department of Labor Electrical Division staff shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing. If such allegations are sufficient to warrant a hearing, staff shall recommend to the board that a revocation/suspension hearing take place.
- 8.5 Any licensee shall be provided at least twenty (20) days notice of any revocation or suspension hearing. Such notice may be provided by certified mail to the address provided to the board by the licensee. Notice shall contain a statement of the allegations and conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. 25-15-201 et seq.
- 8.6 If the board finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of formal license revocation processing under this regulation.
- 8.7 Any journeyman electrician, residential journeyman electrician, master electrician, residential master electrician, air conditioning electrician, or industrial maintenance electrician whose license has been revoked may make application for a new license after such time as the board may require on an application form furnished by the board. Said application shall contain a statement of intent to comply with all pertinent laws, ordinances, rules, and regulations. The board may issue a new license after the applicant has passed the prescribed examination, with fees for such examination being the same as for an initial examination.
- 8.8 Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant. The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full board. The applicant shall be provided at least twenty (20) days notice of the hearing before the full board. Such notice will be provided by regular mail to the address on the application.

Regulation 9. Electrical Civil Monetary Penalties

9.1 Civil Penalties.

- a. Any person, firm, or corporation that violates provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:
 - (1) Two hundred fifty dollars (\$250.00) for a first offense;
 - (2) Seven hundred fifty dollars (\$750.00) for a second offense;
 - (3) One thousand dollars (\$1000.00) for a third offense
- b. Each day of a continuing violation shall constitute a separate offense.
- c. Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.
- d. The amount of civil penalties will be determined in accordance with 9.2 of Regulation.
- e. In civil penalty cases, the staff of the Electrical Division of the Arkansas Department of Labor shall notify the person, firm, or corporation charged with the violation by Regular Mail of the following:
 - (1) the type of violation(s)
 - (2) the date(s) of the violation(s)
 - (3) the amount of the civil penalty for the violation(s)
 - (4) the civil penalty determination issued by the staff shall be final, unless within thirty (30) days after receipt of this notice, the person, firm, or corporation notifies the Director of the Arkansas Department of Labor that the person, firm, or corporation contests the penalty; and
 - (5) the procedure for contesting a civil penalty as provided in 9.5 of this Regulation.
- f. If the person, firm, corporation, partnership or association charged with the violation has not filed notice that he/she contests the civil penalty within thirty (30) days after receiving notice in accordance with 9.1(e) of this Regulation, the penalty assessment by the staff of the Electrical Division becomes the final determination of the Director of Labor.
- g. Notice of the civil penalty may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the Arkansas Department of Labor.

9.2 Civil Penalty Assessment.

- a. If upon inspection or investigation, the Arkansas Department of Labor finds that a person, firm, or corporation has violated any of the provisions of Ark. Code Ann. § 17-28-101 through 310 or Ark. Code Ann. § 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:
 - (1) Two hundred fifty dollars (\$250.00) for a first offense;
 - (2) Seven hundred fifty dollars (\$750.00) for a second offense;
 - (3) One thousand dollars (\$1000.00) for a third offense
- b. The amount of a civil penalty will be assessed based on the Violation Fine Schedule in 9.3 of this Regulation.
- c. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
- d. Upon appeal, the Board may exercise its discretion in determining the appropriate penalty according to the Violation Fine Schedule in 9.3 of this Regulation. In determining the amount of a civil monetary penalty, the Board may consider:
 - (1) The degree and extent of harm to the public safety or to property, or the potential for harm;
 - (2) The duration and gravity of the violation;
 - (3) Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
 - (4) Whether the violation involved elements of fraud or deception either to the public or to the Board, or both;
 - (5) The violator's prior disciplinary record with the Board;
 - (6) Whether and to the extent which the violator profited by the violation.
- e. All civil penalty assessments upon any person, firm, or corporation shall permanently remain on record with the Arkansas Department of Labor.
- f. No civil penalty assessments older than two (2) years shall be used as the basis for a progressive discipline pursuant to the Violation Fine Schedule in Regulation 9.3.
- g. No provision of this subsection shall abridge authority of the Board to evaluate all

past civil money assessments by any person, firm, or corporation to revoke or suspend any license for any offense.

9.3 Violation Fine Schedule.

- a. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
- b. The aggravating and mitigating factors in 9.2(d) of this Regulation may affect the final civil monetary penalty assessed.

| Violation | <u>Statute or Regulation Provision</u> | <u>1st</u> | <u>2nd</u> | <u>3rd</u> |
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| Failure to possess appropriate license for electrical work | 17-28-304 | \$50 | \$100 | Discretionary (up to \$1000 per day) |
| Providing false or misleading advertising | 17-28-304 | \$250 | \$500 | Discretionary (up to \$1000 per day) |
| Failure to correct electric code violations within a reasonable time | 20-31-105 | \$250 | \$750 | Discretionary (up to \$1000 per day) |
| Failure of electrical contractor licensed by the Arkansas Department of Labor or by a master electrician to maintain supervisory ratio of one licensed electrician to one apprentice, except as another ratio may be approved by BAT | Regulation 7.9(g) (Violations of this Regulation shall be assessed per apprentice out of the required ratio) | \$75 | \$150 | Discretionary (up to \$1000 per day) |
| Performing electrical work beyond the authorization of the electrical license or registration | 17-28-101 & Regulation(s) 2.1a-f | \$50 | \$100 | Discretionary (up to \$1000 per day) |
| Failure of apprentice to register with the Arkansas Department | Regulation 7.9(e)(2) | \$10 | \$20 | Discretionary (up to \$1000 per day) |

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|---|---------------------------------------|--|--|---|
| of Labor | | | | |
| Employment by an electrical contractor licensed by the Arkansas Department of Labor or by a master electrician of unlicensed or unregistered persons doing electrical work | 17-28-202 | \$250 | \$750 | Discretionary (up to \$1000 per day) |
| Deception, misrepresentation or fraud in obtaining or attempting to obtain a license(includes loaning a license) | 17-28-303 & Regulation 8.1 | \$250 | \$750 | Discretionary (up to \$1000 per day) |
| Other violations of the State electrical statute | | Discretionary (up to \$250 per day) | Discretionary (up to \$750 per day) | Discretionary (up to \$1000 per day) |

9.4 No provision of this section shall abridge the authority of the Board to revoke or suspend any license for any offense.

9.5 Contesting a Civil Penalty.

- a. The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director of Labor, 10421 West Markham, Little Rock, Arkansas 72205. The written request must be made within thirty (30) days after receipt of notification of the civil penalty or the assessment will become final.
- b. A written request for a hearing shall be scheduled for a hearing before the Board.
- c. The person, firm, or corporation shall be provided at least twenty (20) days notice of the hearing. Such notice shall include:
 - (1) a statement of the time, date, place, and nature of the hearing;
 - (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (3) a short and plain statement of the matters of fact and law asserted; and
 - (4) a statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and testimony of witnesses and the production of documents.

- d. The Board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law. Such decision shall become the final determination of the Board, unless judicial review is sought within thirty (30) days pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-212.
- e. If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.

9.6 Failure to pay civil monetary penalties.

In addition to the legal action in 9.5 of this Regulation, failure to pay assessed fines may result in the revocation or suspension of any electrical license issued by the Arkansas Department of Labor.

Regulation 10. Reciprocity.

- 10.1 The board may issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

Regulation 11. Non-licensed Electricians.

- 11.1 The board staff shall, on behalf of the director, investigate complaints and allegations against any person or corporation not licensed by the board for violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.
- 11.2 After investigation, the director shall make an initial determination of whether there has occurred a violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto.
- 11.3 The director shall notify the person(s) or corporation(s) of his determination by certified mail to the last known address. This notice shall conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* and shall specifically contain the following:

- a. a statement of the allegations against the person or corporation;
- b. a statement that the person or corporation is entitled to a hearing before the board on the allegations, provided a written request for a hearing is received by the board within twenty (20) days of receipt of the notice;
- c. a statement that the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at any scheduled hearing will result in the director seeking injunctive relief and/or filing criminal charges.

11.4 Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.

11.5 If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the board adopted pursuant thereto, without providing notice and the opportunity for hearing.

11.6 No person licensed by this board shall employ unlicensed persons or unregistered apprentices to perform electrical work without an exemption.

Regulation 12. Restricted Lifetime Master Electrician's License.

12.1 Qualifications. To qualify for a restricted lifetime master electrician license, an applicant shall:

- a. have been a licensed master electrician licensed by the Board of Electrical Examiners for not less than twelve (12) years;
- b. be at least sixty-five (65) years of age; and
- c. have a current license as a master electrician issued by the Board of Electrical Examiners at the time of application for a restricted lifetime master electrician license.

12.2 Application.

- a. Application for a restricted lifetime master electrician license shall be on a form approved by the board.
- b. The applicant for a restricted lifetime master electrician license shall submit with the application satisfactory proof of age, which may include one of the following:

- (1.) a birth certificate;
- (2.) a passport or certificate of arrival in the United States;
- (3.) a state-issued driver's license or identification card;
- (4.) any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or
- (5.) any other document of similar reliability.

12.3 Restrictions. A person holding a restricted lifetime master electrician license is authorized to perform any work authorized for a master electrician. Such license is non-transferable.

12.4 Fees. The fee for issuance of a Restricted Lifetime Master Electrician license shall be fifty dollars (\$50.00).

12.5 Term of license. The restricted lifetime master electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board for cause.

12.6 Revocation or suspension.

- a. The board may revoke or suspend a restricted lifetime master electrician license for the same reasons and in the same manner as any other master electrician license. Grounds for suspension or revocation includes, but is not limited to, the performance or supervision of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the board.
- b. Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master electrician license to the last address on file with the board.
- c. Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by regulation of the board. See Regulation 8. Revocation, Suspension, and Denial of Licenses.

12.7 Change of address. The holder of a restricted lifetime master electrician license shall notify the board of any change of address following issuance of the license.

Regulation 13. Extension of time.

13.1 Notwithstanding any provision to the contrary, an applicant for a license pursuant to the grandfather provision of Ark. Code Ann. § 17-28-310(Supp. 1997), who submits an application prior to July 1, 1998, shall be deemed in compliance with the mandatory licensing requirement of Ark. Code Ann. § 17-28-310 until the board takes final administrative action on the application, or until June 30, 1999, whichever occurs first.

13.2 The effective date of this regulation shall be June 1, 1999.

Regulation 14. Grandfather appeals.

Notwithstanding any provision in these regulations to the contrary, any applicant who applied for a license prior to July 1, 1998 pursuant to the provisions of Ark. Code Ann. § 17-28-310 may appeal to the full board 1) any denial of license; 2) any approval of license for a class lower than the class of license sought by the applicant; or 3) any conditional approval of license, provided the board receives a written request for an appeal within the longest of following time frames:

- a. sixty (60) days from the effective date of these regulations; or
- b. sixty (60) days from the date of notice of the denial, conditional approval, or approval for a lower class of license.

Regulation 15. Effective Date and Repealer.

15.1 Effective September 1, 1999 all previous regulations promulgated by the board are hereby repealed.

15.2 The effective date of these regulations is September 1, 1999.

NOTE: Regulations 1, 6.2 and 7.9 were amended effective January 1, 2002, and 6.7 was effective April 1, 2002.

NOTE: Regulations 5.3, 5.5, 6.1, 6.2, 6.4, 7.5, 7.7, 7.9, 8.3, 8.4, 8.5, 11.6, 12.6 were amended effective April 1, 2004. Regulation 9 was a new regulation effective April 1, 2004. Subsequent Regulations were renumbered on this date.